

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:12-CR-36-BO-1
NO. 7:14-CV-271-BO

OLDEN TERRY, III,)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
Respondent.)	

This matter is before the Court on what it construes as petitioner's motion to amend [DE 76] and motion to reconsider [DE 77]. For the following reasons, petitioner's motions are denied.

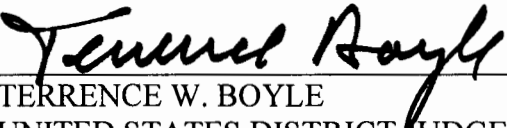
First, petitioner asks the Court to allow him to amend his original motion to vacate pursuant to 28 U.S.C. § 2255 to add a claim based on the Supreme Court's recent decision in *Johnson v. United States*, ---U.S.---, 2015 WL 2473450 (2015). [DE 76]. As the Court explained in its July 8, 2015, Order, *Johnson* addressed convictions under the residual clause of the Armed Career Criminal Act, 18 U.S.C. § 924(e). [DE 75]. Petitioner was not sentenced under the Armed Career Criminal Act, thus his reliance on *Johnson* is misplaced. His motion to amend is therefore denied.

Petitioner also asks the Court to reconsider its order denying his § 2255 pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. [DE 77]. Petitioner already filed a motion to reconsider under Rule 59(e), which the Court denied on July 8, 2015. Petitioner raises no new arguments in the instant motion, thus it is denied for the reasons laid out in the Court's July 8, 2015, Order.

CONCLUSION

For the foregoing reasons, petitioner's motions to amend [DE 76] and to reconsider [DE 77] are DENIED.

SO ORDERED this 3 day of ^{August}~~July~~ 2015.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE